

**Response to Comments  
Regarding Draft  
Columbus Metropolitan  
Facilities Plan Update**

**November 3, 2000**

**INTRODUCTION**

At the request of the Ohio EPA, the City of Columbus created a draft Facilities Plan Update in June 2000. Since that time, the City has been actively seeking comment and input on its draft plan. As part of its efforts to receive public input, the City contacted over seventy organizations representing regional sanitary sewer districts, municipal and township officials, county commissioners, and other stakeholders. The City developed a cd-rom presentation describing its proposal. More than two hundred copies of the cd-rom were distributed to stakeholders and placed in every public library in Franklin County. The City placed the draft plan on the City's website and created a feedback button for electronic stakeholder comment. A 90-minute presentation on the draft plan was videotaped and cablecast 8 times between August 29<sup>th</sup> and September 23<sup>rd</sup> on G-TV3, government television. Representatives of the City conducted more than thirty separate stakeholder-briefing sessions. A list of the organizations contacted is included in Appendix A.

As a result of this outreach, the following entities have submitted endorsement letters for this Facilities Plan Update:

City of Bexley	Village of Shawnee Hills
Village of Canal Winchester	City of Upper Arlington
City of Dublin	City of Westerville
City of Gahanna	Southwest Licking Community Water & Sewer District
City of Grove City	Fairfield County
Village of Groveport	The Nature Conservancy
City of Hilliard	The Building Industry Association of Central Ohio
Village of New Albany	Ohio Environmental Council
Village of Obetz	Ohio Department of Development
City of Pickerington	
City of Reynoldsburg	
Village of Riverlea	

The following entities and individuals have submitted comment letters:

Brown Township	Jefferson Township
Plain Township	Jerome Township
Pleasant Township	Scioto Township
Prairie Township	Jefferson Water & Sewer District

Franklin County  
Licking County  
Madison County  
Pickaway County  
Union County  
Metroparks  
Village of Plain City  
Rickenbacker Port Authority  
Citizens Utilities Company of Ohio  
Central Ohio Sierra Club Group

Franklin Soil and Water  
Conservation District  
Darby Creek Association, Inc.  
Karen M. Mancl, Ph.D.  
Bruce W. Berdanier, Ph.D., P.E.  
Joe Martin  
Donna M. Carrel  
Lawrence Baumgartner  
John Tetzloff  
Petition from Plain City residents  
Letter to the Editor

All referenced letters are submitted with this Plan. Please see Appendix B.

This document will summarize and respond to the comment letters received. Several sections of the draft Facilities Plan have been changed as a result of the comments received. This Response to Comments document will note which sections have been changed as a result of comments received.

## **I. Centralized Wastewater Systems**

In its draft plan, Columbus recommended that most of the area within the Facilities Planning Area be served by centralized wastewater treatment systems operated by the City of Columbus. Columbus received the following comments regarding this basic tenet of the plan.

### **A. City of Columbus Sewer System**

**Comment.** In the draft plan, Columbus proposes that centralized sewers to the Columbus facilities serve most areas within the plan. Exceptions to this general requirement are discussed below. Eleven stakeholders representing over 80% of the population within the Facilities Planning Area supported the plan's requirement for centralized sewer systems.

We fully support our centralized sewer collection and treatment system, which has resulted in clean waters for our people. We thank you for the good management that Columbus is providing.  
- City of Gahanna

Upon review of the updated Columbus Metropolitan Sewage Facilities Plan, I support this plan on the basis of future growth on behalf of the City of Grove City as well as the Central Ohio community. - City of Grove City

I am writing on behalf of the Village of Groveport in support of the Columbus Metropolitan Sewage Facilities Plan Update . . . As

with most suburbs of Columbus, Groveport is facing a great deal of growth and, consequently, must plan for the increased population and related needs, such as infrastructure. Beyond the health safety benefits of a centralized sewer system, the Sewage Facilities Plan will help to control the growth patterns within the facility planning boundary area. - Village of Groveport

On behalf of the Village of Obetz and the 4,100 residents, I strongly support and endorse the updated Columbus Metropolitan Sewage Facilities Plan. - Village of Obetz

On behalf of the City of Reynoldsburg and its 32,000 residents, I am happy to say that I support and endorse the updated Columbus Metropolitan Sewerage Facilities Plan. - City of Reynoldsburg

On behalf of the Village of Riverlea and its 515 residents, I support and endorse the updated Columbus Metropolitan Sewage Facilities Plan. - Village of Riverlea

The City of Westerville continues to support a regionalized, sanitary sewer system as one of the best ways to plan for and manage growth in the Central Ohio community. To that end we endorse the proposed Columbus Metropolitan Facilities Plan Update . . . Our 35,000 residents are stakeholders in the success of the Columbus proposal. - City of Westerville

The City of Pickerington supports the concept of the proposed regional wastewater management plan. We agree that the potential for environmental contamination and urban sprawl can be minimized by requiring connection to centralized sewer systems. - City of Pickerington

Our Village stands to benefit greatly with the installation of centralized sewers. Not only will we be able to satisfy the environmental issues the Village has faced for years, but the installation of centralized sewers will also provide the Village with economic development opportunities that until now were just not possible, and, are greatly needed. – Village of Shawnee Hills

The City supports and endorses the updated Columbus Metropolitan Sewage Facilities Plan as a plan that will prevent wasteful duplication of infrastructure, and protect the environment by insuring that all sewerage within the region is treated to US Environmental Protection Agency standards. – City of Bexley

Our City has long recognized that a central sewer system is the best technology to provide safe and dependable services to our residents. We have invested millions of dollars into our facilities. This plan will protect that investment. – City of Upper Arlington

We are writing in regards to the proposed Columbus Metropolitan Facilities Plan Update. Based upon recent discussions between our Sanitary Engineer, Kerry Hogan, and Mr. John Doult and Ms. Cheryl Roberto regarding the Facilities Plan, we . . . hereby extend our support for the Columbus plan with the following comments noted. – Fairfield County

As Mayor of New Albany, I know that centralized sewer is not only the best technology but also the only dependable method of safeguarding the environment and health of residents in areas such as Central Ohio. A plan of centralized sewer service will insure that those communities, like the Village of New Albany, that have invested in and are continuing to invest in infrastructure to provide sewer to their residents will be protected from less effective and less reliable means of wastewater disposal. – Village of New Albany

**Response:** As these stakeholders recognize, there are many public policy reasons to support centralized sewers. These public policy reasons were discussed at length by the Ohio Supreme Court's decision in *Columbus & Franklin County Metropolitan Park District v. Shank*, which highlighted the benefits of centralized sewer systems, in general, and the Columbus Metropolitan system, in particular:

Furthermore, in considering economic and social factors, the Director should not limit his inquiry to effects upon the locality served by the facilities. Rather, these considerations necessarily involve the impact of various alternatives on the greater community. (Citation omitted.) The alternative of centralized treatment has many economic, environmental and public policy attributes. Most notable is the Congressional intent to promote centralization. In this regard, Section 101(a)(5) of the Clean Water Act, Section 1251(a)(5), Title 33, U.S.Code, provides:

It is the national policy that areawide waste treatment management planning processes be developed and implemented to assure adequate control of sources of pollutants in each State. (Citation omitted.)

The policy favoring centralization pervades the Clean Water Act. (Citation omitted.) In particular, Section 208(e) of the Act, Section 1288(e), Title 33, U.S.Code, provides that no NPDES permit may be issued which conflicts with an areawide wastewater treatment plan.

Moreover, any consideration of economic and social criteria must not disregard the substantial investment by federal, state and local governments in developing areawide waste treatment systems. In Ohio alone, approximately \$4 billion in public funds have been invested to upgrade such systems. (Citation omitted.) Since 1970, these investments have dramatically improved Ohio water quality. Id. The elimination of the Reynoldsburg treatment plant on Blacklick Creek was possible because of the expansion of the Columbus centralized treatment system, and the substantial improvement in the quality of Blacklick Creek bears testament to the wisdom of the federal construction grant program.

The social and environmental consequences of ignoring the crucial role of centralized wastewater treatment in the development of the Columbus metropolitan area cannot be overstated. In particular, the remarkable improvement in the Scioto River south of the Columbus Southerly and Jackson Pike facilities, (Citation omitted.) is as much a function of local as of federal investment. This local share, based as it is on the contributions of the numerous ratepayers of the Columbus system, allows Columbus to spread the cost of needed improvements over many customers and to achieve the economies of scale necessary to invest in advanced treatment technologies. The use of package facilities throughout the area currently served by the Columbus system or within its planning area would not only degrade the receiving stream but would undermine the financing of state-of-the-art technology on a regional basis. Accordingly, any consideration of social or economic criteria pursuant to Ohio Adm. Code 3745-1-05 must take account of the objective of the Clean Water Act that rivers and streams are not to be conduits for wastewater. This is particularly the case where a well-constructed network for transmitting domestic sewage is available.

65 Ohio St. 3d 86; 600 N.E.2d 1042.;

**Comment:** Five stakeholders commented that the City of Columbus centralized sewer system is poorly operated because it has sanitary sewer overflows (SSOs) and combined sewer overflows (CSOs).

These words (unregulated, poorly maintained or neglected) accurately describe Columbus' sanitary sewer system; (referencing CSOs and "poor maintenance and neglected enforcement" on dedicated sanitary sewers). - Prairie Township

It has been said that some of the new projects downtown are mixing sewage with storm water and dumping in the Scioto River. If this is true, is Columbus concerned about the environment? - Plain Township

The City has a number of combined sewer overflows (CSOs) and sanitary sewer overflows (SSOs). During rainfall events, the City discharges a combination of storm water and untreated raw sewage into area waterways through these outfalls . . . To bring more wastewater into a system that currently experiences overflows does not seem to be in the best interest of area-wide water quality planning. - Franklin County

The Plan needs to address the issue of combined sewer overflows (CSOs). This outdated type of sewer construction allows raw sewage to flow into our rivers when there is a heavy rainfall. The City of Columbus needs to eliminate the CSOs. - Central Ohio Sierra Club

The Facility Plan update fails to address critical wet weather issues impacting the watershed including elimination of sanitary system overflows, and developing a comprehensive storm water management plan for the area. - Pickaway County

**Response:** These comments focus on combined sewer overflows (CSOs) and sanitary sewer overflows (SSOs). The stakeholders ask, in light of Columbus' CSOs and SSOs, whether Columbus' system is environmentally sound and whether future growth of the system is warranted. The short answer to both inquiries is yes. While Columbus is aggressively moving to eliminate and/or minimize the impact of its CSOs and SSOs, Columbus' current conveyance system is not threatening water quality in the region, and is environmentally sound. Moreover, Columbus' conveyance system and treatment plants are adequately sized for the entire FPA - indeed, these systems have been engineered to handle all of the waste in this area. The presence of CSOs and SSOs does not alter the fact that the most environmentally sound option for future growth is the Columbus system.

A combined sewer system is one that conveys both wastewater and stormwater. Columbus, like hundreds of other cities, has a combined sewer system serving a portion of the City. Combined sewer systems evolved from

the earliest days of sewers in Columbus, and are therefore limited primarily to the downtown area. In one way, combined sewer systems provide an environmental advantage: they convey stormwater, which would otherwise be discharged directly to the rivers, to the treatment plants for treatment. In Columbus, the combined sewer system conveys the “first flush” of a rain event; this first flush is the most contaminated, as debris, animal feces, metals, and oil and grease are washed from sidewalks and streets.

The combined system is designed to overflow during some rain events. In these instances sewage mixed with rainwater is discharged directly to the rivers. Columbus has done much to minimize the frequency and duration of these CSOs, both in terms of construction and operation. In addition, Columbus submitted a Combined Sewer System Operational Plan (CSSOP) in October 1996 as required by U.S. EPA’s 1994 CSO Policy. Columbus is operating in compliance with the Policy and its plan, including implementing the “nine minimum controls” (best management practices).

These steps have helped minimize the environmental impacts of CSOs, and the implementation of this updated Facility Plan will not exacerbate the impact of CSOs for two reasons. First, almost all of Columbus’ CSOs exist in the Scioto basin and are located along the Olentangy-Scioto Interceptor Sewer (OSIS). The vast majority of the area in the OSIS basin is already developed. Most development is occurring in the outlying sections of Columbus, and the sanitary waste from these areas is transported by way of separate sanitary sewers to a treatment plant. Second, with regard to development in the OSIS basin, Columbus attempts to minimize environmental impacts. For instance, as part of the public improvements associated with the new Arena District, Columbus separated sewers in the immediate area, which allowed for the elimination of two CSOs from its system.

The City of Columbus also experiences occasional SSOs. An SSO is a spill of wastewater from a dedicated sanitary sewer line. An SSO may occur in a rain event when a separate sanitary line becomes overloaded, or during dry weather due to a blockage in the system. Most of Columbus’ SSOs occur as a result of a rain event where the sanitary sewer is cross-connected to a storm sewer. These cross connections were created in past years to prevent flooding in residents’ basements. Columbus has an excellent maintenance program for its sewers, and therefore does not experience chronic dry weather SSOs.

The number of sewer backups and breaks Columbus experiences is well below the national average. The national average is 827 backups and 143 breaks per 1000 mile of sewer pipe per year. See “Sanitary Sewer Overflows: What are they and how can we reduce them?,” EPA 832-K-96-001, Summer 1996. Columbus averages 491 backups and 86 breaks per 1000 miles of sewer per year.

Wet weather SSOs occur because the sanitary sewer receives inflow and/or infiltration (I/I) of groundwater and/or stormwater during a rain event. Columbus is actively working to remediate I/I problems in its system.

We have already seen that our efforts at minimizing the impacts of CSOs and SSOs have been successful in biological restoration in a section of the river that was biologically deficient since the first water quality work in Columbus dating back to the late 1890's. When overflows do occur from a rain event they are diluted with storm water and occur at a time when flows are high in the river. The impact on the rivers in Central Ohio is minimal.

Columbus is continuing its evaluation of operational and system issues as construction and development occur. The City is continuing its good stewardship of its Sewer System and the rivers in Central Ohio through its current and future efforts in treatment of storm flows and the removal of inflow and infiltration from the sanitary sewer system. At every opportunity we are meeting the provisions and the spirit of the CSO policies with a resulting improvement in the water quality in central Ohio's streams and reducing the incidences of wet-weather SSOs.

**Comment:** Two stakeholders commented that the plan does not assure that unsewered areas will receive sewers.

What about areas in the city that have been annexed for years and do not have facilities? - Plain Township

The Columbus Plan does not assure that presently unsewered areas within and outside the City of Columbus will necessarily receive sewer service:

Inside the City: These areas have been identified by the Columbus Health Department in its May, 1998 study entitled "Concerns and Recommendations Related to Unsewered Residential Areas of the City of Columbus" and includes the Hillock area, the Barcher Road area, McDannald Estates, the Marsdale area, the Catalpa Park area, the Strimple Avenue area, the Francisco Road area, the Lockbourne Road area, the Park Road area and the Behm Road area.

Outside the City: Brown Road area, the Cleveland Heights area, the Englewood area, the Leonard Park area, Marsdale subdivision, the Kanawha/Roslyn area, Eureka Park, Briggsdale, Edgewater Park, Ferris Road, the Greenvale/Brookside area, the Hague Avenue area, the Henderson Heights area, the Hyde Park area, the Homeacre/Maple Canyon area, the Mecca Road area,



the Mount Air area, the Reese area in Hamilton Township, the San Margherita area in Franklin Township, the Stimmel Road area in Franklin Township, the Ventura and Casa Boulevard area in Jackson Township and the Wilson Road/Mon-E-Bak area in Franklin Township. - Franklin County

**Response:** The Ohio EPA has advised the City that the Facilities Plan Update should identify the type of services recommended for each area within the Facilities Planning Area boundary, but that a schedule for construction should not be included in the Facilities Plan Update. However, in order to be responsive to the questions presented, the following information represents the current practice and schedule for sanitary sewer improvements for the indicated unsewered areas.

Within the municipal boundaries of the City of Columbus existing developed areas are typically older areas that were originally developed under County jurisdiction with on-lot treatment systems. At a later date, these areas were annexed into the City. In some of these areas the aging on-lot systems are failing and the areas need sewers. In some cases, the residents petition the City and sewers are constructed via an assessment project. The City Health Department identified several of these areas as health and safety problem areas due to the failing on-lot systems. Areas identified by the Health Department and the current status of each related sewer project is as follows.

Project Area	Project Status
Hilock Road Area Part 2	Easement acquisition underway
Ashwood Road/ Barcher Road Area	Legislation to award construction to council
McDannald Estates	Easement acquisition underway
Marsdale Avenue Area	Under Construction
Francisco Road Area	Several projects were constructed privately to provide sewer service to this area. No CIP project.
Catalpa Park	Reviewing revised cost estimate
Strimple Avenue Area	Engineering scheduled for 2001
Lockbourne Road Area	Engineering scheduled for 2001
Park Road Area	City intends to address this area within the next ten years
Behm Road/ Strack Road	City intends to address this area within the next ten years

Other areas where sanitary sewers have been installed:

Project Area	Status
Lawson Drive Area	Completed
Hilock/Lewis Roads Part 1	Completed

Brunswick Estates	Completed
Faber Avenue Area	Completed

The remaining twenty-three (23) areas identified by stakeholder comment are located outside of the municipal limits of the City of Columbus. In these areas, Franklin County is responsible for building the sewer systems. Once Franklin County builds the necessary sewers, Columbus will accept and treat all waste generated in these areas. Pursuant to orders issued by Ohio EPA, Franklin County is currently constructing sewers in Cleveland Heights. Franklin County has also undertaken a project on Marsdale. Columbus is unaware of when Franklin County intends to construct sewers in the other 21 areas.

**Comment:** One stakeholder expressed concern that centralized sewers would result in undesired land use densities.

Given the City's historic growth patterns, the use of centralized sewer within these areas (unincorporated) will result in much greater densities than those currently allowed under existing comprehensive plans which are in place for these various jurisdictions. - Brown Township

**Response:** The Columbus Facilities Plan will not result in any specific level of density; rather, the plan simply requires that if density in an area would support centralized sewers, then that area must be developed with sewers to Columbus or one of the other alternative centralized sewer providers recognized in the Plan. The Plan specifically makes accommodation for individual homes and modest commercial development to occur in unincorporated areas, allowing these areas to continue to exist at rural densities.

**Comment:** Another stakeholder expressed concern about the assimilative capacity of the Scioto River.

The Columbus Plan improperly assumes that water quality within the watershed will be best if all wastewater is collected and treatment at one of Columbus' two treatment plants on the Scioto River. - Pickaway County

**Response:** The Columbus Facilities Plan recognizes that there are other existing, responsible centralized sewer service providers in the Facilities Planning Area, and contains no requirement to eliminate these. The plan does provide that the majority of wastewater in the Facilities Plan Area is to be treated at the two City of Columbus Wastewater Treatment Plants. This is the cost-effective and environmentally sound plan. This is not an assumption on the part of the City. In the September 27, 1988, Record of Decision for the Final Supplemental Environmental Impact Statement (SEIS) for the Columbus,

Ohio Metropolitan Area, prepared by the United States Environmental Protection Agency (USEPA), Region V, USEPA states:

The cost-effective, environmentally sound alternative for meeting the wastewater treatment needs in the Columbus Facilities Planning Area is the two-plant alternative (i.e., upgrading both existing treatment plants).

The USEPA also states that the two-plant alternative will:

provide more flexibility adapting to increased future flow, adapting to more stringent effluent limits, and addressing combined sewer overflows ... result in more positive impacts to quality and quantity of surface water flow (Scioto River) ... result in more positive impacts on aquatic biota and endangered species.

This USEPA decision has been the basis for City of Columbus wastewater planning in the Facilities Planning Area since 1988. The positive water quality impact of this plan since 1988 is validated by the Ohio EPA decision to upgrade the Scioto River downstream from the City's wastewater treatment plants from Warm-water Habitat to Exceptional Warm-water Habitat, based on the biological performance of the river since 1988.

The City's NPDES Permits for its treatment plants, issued and monitored by Ohio EPA, are based upon the assimilative capacity of the receiving water, with due recognition of future growth in the Facilities Plan Area. The City will continue to provide the high level of treatment necessary to meet the water quality requirements of these permits.

**Comment:** One stakeholder commented that the draft plan should consider the impact that the Rickenbacker Airport's growth will have on the City's need for facilities.

The City plan should also consider the impact that the Airport's growth will have on the City's need for facilities. This begins by factoring the Airport's National Pollutant Discharge Elimination System (NPDES) permit into the plan. It also involves considering the fact that as the Airport grows, most likely, there will be the discharge of additional glycol to City facilities. – Rickenbacker Port Authority

**Response:** Rickenbacker Port Authority presently holds an NPDES permit to discharge wastewater to surface waters of the state to accommodate its use of approximately 30,000 gallons per year of de-icing material. This discharge does not come to the City of Columbus sanitary system for treatment. If

Rickenbacker Port Authority wishes to discharge this wastewater to the Columbus system, it must seek an indirect discharge permit under the City's industrial pretreatment program. The addition of Rickenbacker Port Authority as an industrial user on the system is currently being reviewed. The City would agree to provide treatment services as long as the discharge meets pretreatment requirements and Rickenbacker Port Authority reimburses the City for the full costs associated with the services provided. No new City of Columbus facilities are required to provide this service.

**Comment:** Three stakeholders commented that the second paragraph of Section III. A. appeared to restrict the expansion of sewer systems.

Page 3, Section III. A. The second paragraph of Section A needs to be clarified. We believe that the second sentence in the paragraph is meant to be explanatory but it appears to be contradictory. We think the intent is to say that developed properties may continue to use septic or alternative systems even if they are within 200 feet of a sewer line, but that if they need expanded sewer services they need to connect to the sewer line at that time. The language of this section is mirrored in Sections III.B.2, 3, 4, & 6, and should be clarified in those sections as well. - City of Pickerington

The Plan purports to limit flows to existing sewer facilities such that future flows may not be expanded or increased. There is no analysis of the economic, environmental or social consequences of such a requirement. - Franklin County

The Columbus Plan limits flows to existing sewer facilities so that flows may not be increased. – Licking County

**Response:** The section was never intended to restrict the operation of existing centralized sewer systems. It was intended to “grandfather” properly permitted and operating non-centralized sanitary systems when those systems are not within 200 feet of sewer line that transports wastewater to a centralized wastewater treatment system. It is our expectation that structures within 200 feet of a sewer line are reasonably accessible to centralized wastewater treatment systems and must be connected. This section has been redrafted for clarification.

#### B. Canal Winchester Area

**Comment:** Canal Winchester operates its own wastewater treatment plant, and therefore this area will not be served by Columbus' facilities. However, if Canal Winchester desires to connect its system to Columbus in the future, this

Plan will allow that to occur. One stakeholder commented in support of this section.

From our discussions, I understand that the City of Columbus recognizes our centralized sewer system and its planning boundaries as part of this plan. This type of joint planning is conducive to a well thought out plan, with the most economical services for all area residents. - Village of Canal Winchester

**Response:** No response to this comment is necessary.

C. Pickerington Area

**Comment:** Pickerington operates its own wastewater treatment plant, and therefore this area will not be served by Columbus' facilities. However, if Pickerington desires to connect its system to Columbus in the future, this Plan will allow that to occur. One stakeholder offered modifications for this section.

The second sentence of the first paragraph should read 'Wastewater collected in the City of Pickerington shall be conveyed to Pickerington's existing and/or future publicly owned treatment works for treatment and discharge.' The third sentence of the first paragraph should read 'Such service shall continue unless or until, Pickerington desires to connect its system to the City of Columbus sewer system or other centralized sewer system.' The last sentence of the first paragraph should read 'Such connection shall occur in a manner that is mutually agreeable to the City of Pickerington and the entity owning the centralized sewer system to which the connection is made.' The last sentence of the second paragraph should read 'the flows to such existing sanitary facilities not connected to a centralized system, however, may not be expanded nor increased.' - City of Pickerington

**Response:** The requested modifications have been incorporated into the final Facilities Plan Update.

D. Citizens' Utilities Treatment Plants

**Comment:** The draft plan identified two private Citizens' Utilities that operate their own wastewater treatment plants within the Facilities Plan Area, and therefore these areas will not be served by Columbus facilities. However, if the Citizens' Utilities wish to connect their systems to Columbus in the future, this Plan will allow that to occur. Two stakeholders commented that the proposed Facility Plan Update was incomplete in its representation of Citizens' Utilities facilities.

A reference to a third Citizens' Utilities facility located in along the Big Darby Creek, just south of Interstate 70 was omitted in Section III, Item 5. This plant has been re-permitted several times by the OEPA in the recent past to support increased development, enabling a pocket of urban sprawl within the ESDA. – Joe Martin

Citizen Utilities, a tax paying, investor owned utility company specializing in water and wastewater services, owns and operates three (3) centralized wastewater systems within the proposed FPA (not two as listed in the draft plan). They are Blacklick Estates, Huber Ridge and as mentioned above, Lake Darby Estates. – Citizens Utilities Company of Ohio

**Response:** The omitted Citizens' Utilities facility has been added to the Facilities Plan.

E. Fairfield County.

**Comment:** Fairfield County operates two wastewater treatment plants. One at Tussing Road, known as the Fairfield County Tussing Road Water Reclamation Facility and the second near Route 33, known as the Little Walnut Regional Water Reclamation Facility. The proposed update recognized both plants as alternative centralized sewer providers within the Facilities Planning Area (FPA) boundary. As with other systems, if Fairfield County desires to connect its system to Columbus in the future, the Plan will allow that to occur. Two stakeholders proposed modifications to this section.

We are aware that our Sanitary Engineer has been meeting with your staff in regards to connecting the Fairfield County Tussing Road Water Reclamation Facility into the Columbus sanitary sewer system. We support this effort to regionalize wastewater services in northern Violet Township and hope your staff will continue to work toward an equitable agreement over the next several months . . . We therefore request that the Columbus Facilities Plan boundary be revised to agree with the attached TRWRF Service Area Map . . . Fairfield County has recently completed construction of the Little Walnut Regional Water Reclamation Facility to serve southern Violet Township and northern Bloom Township. The City of Pickerington and the Village of Canal Winchester have regional treatment facilities serving their communities. We understand the Columbus Facilities Plan will include these areas being served by either Pickerington, Canal Winchester or Fairfield County at the present time. We are attaching a service area map for the Little Walnut

facility for your use. We ask that you expand the southeastern boundary of the Facilities Planning Area to recognize and include the full service area for our Little Walnut Regional Water Reclamation Facility. We understand that some of the area intended to be served by this plant overlaps with areas that Pickerington and Canal Winchester may plan to serve in the future. Upon the representations of City of Columbus representatives, we understand that these areas of overlap will be identified as, nonexclusive, potential service areas for all three centralized sewer systems. – Fairfield County

The third sentence of the first paragraph should read ‘Such service shall continue unless or until, the sewer district desires to connect its system to the City of Columbus sewer system or other centralized sewer system.’ The last sentence of the first paragraph should read ‘Such connection shall occur in a manner that is mutually agreeable to the sewer district and the entity owning the centralized sewer system to which the connection is made.’ - City of Pickerington

**Response:** The requested modifications have been incorporated into the plan and supporting maps.

F. Licking County

**Comment:** Two stakeholders identified additional sewer districts in Licking County.

The Southwest Licking Community Water & Sewer District is requesting that we be included in your new proposed service area. We are opposed to alternative waste systems and have spent over 45 million dollars to provide wastewater services to our customers. We have 4100 sewer customers and our service area is the fastest growing area in Licking County. - Southwest Licking Community Water & Sewer District

The Columbus Plan’s Facility Planning Area extends into incorporated and unincorporated areas of Licking County that are included in two sewer districts and currently have sewer service.  
– Licking County

**Response:** Southwest Licking Community Water & Sewer District has been added to the CMFP Area. The Pataskala Sewer District has no sewers within the boundaries of the Facilities Planning Area.

G. Union County

**Comment:** Two stakeholders requested recognition of the Union County wastewater treatment system within the Facilities Plan.

Under section III. Centralized Wastewater Treatment, please add a paragraph D. Union County Area. Please word the paragraph as follows:

D. Union County Area

The unincorporated areas of Union County are currently served by individual sewage disposal systems or public sanitary sewers owned by the Union County Sewer District. Wastewater collected in the Union County public sanitary sewers is currently conveyed to the City of Marysville for treatment and discharge to Mill Creek. Such service shall continue until such time as Union County selects a different means for treating its wastewater. If Union County desires to convey its wastewater to the City of Columbus for treatment, such conveyance and treatment shall occur in a manner that is mutually agreeable to the City of Columbus and Union County.

Existing (developed) commercial, industrial, institutional and residential properties with the area, shall be required to connect to the Union County Sewer District sanitary sewer system when and if the system is extended to within 200 feet of the serviced structure. Such existing (developed) properties may continue to operate with existing sanitary facilities so long as those facilities are properly permitted for existing flows by the appropriate health department and/or the Ohio EPA. The flows to such existing facilities, however, may not be expanded nor increased.

- Union County Engineer and County Commissioners

**Response:** The Union County system has been added to the Facilities Plan as requested. Because the City of Columbus has existing contract commitments within Union County, some of the language proposed by the stakeholders was modified. Additionally, the second paragraph of the proposed language closely tracks the language of the draft Columbus Metropolitan Facilities Plan Update, which was identified by three other stakeholders to be unclear. As discussed in response to those comments, the



language has been clarified. See p. 12, *supra*. Those same clarifying amendments were applied to the language added to include Union County.

**Comment:** One stakeholder commented that the Plan should not include any portion of Union County.

On behalf of the residents of Jerome Township and Union County we respectfully request that you withdraw our areas from your proposal. Union County is fully capable and willing to service the areas which have drawn on your plan that you wish to control within the proposed watershed (sewage area). - Jerome Township Trustees

**Response:** As discussed above in the previous comment, the Plan has been modified to include the Union County Sewer District at the request of the owner and operator of that system.

#### H. Darbydale Area, Pleasant Township

**Comment:** One stakeholder commented that the Darbydale Area of Pleasant Township is experiencing widespread on-lot wastewater treatment system failure.

The Board of Pleasant Township Trustees is committed to infrastructure improvements in the Darbydale area, an older, well established community located on the banks of the Big Darby Creek . . . At this point, we are persuaded to have our consultant identify the costs associated with these alternatives and then make a pragmatic decision on what is best for our constituents. - Pleasant Township

**Response:** As stated in the response to stakeholder comments regarding unsewered areas (See pp. 8-10, *supra*), the City of Columbus is willing to treat wastewater collected and conveyed by the Franklin County Sewer District from unincorporated areas of Franklin County experiencing widespread on-lot wastewater treatment system failure. The City recognizes the challenge that the distance of the Darbydale Area from existing sewers presents, however. Therefore, the City is supportive of Pleasant Township's efforts to install a centralized wastewater collection, conveyance, and treatment system in the Darbydale Area to resolve this environmental concern, provided however that the system not be sized so as to encourage further growth. The Columbus Metropolitan Facilities Plan Update has been amended, both in the narrative and the supportive maps, to reflect the potential that Pleasant Township will develop such a system.

## **II. Environmentally Sensitive Development Area (ESDA)**

**Comment:** The draft plan creates the ESDA, and proposes special conditions that must be met before centralized sewer service may be made available in the ESDA. Three stakeholders wrote in support of the designation of an Environmentally Sensitive Development Area.

The Nature Conservancy, Ohio Chapter endorses the City of Columbus' proposal to implement watershed planning, through a 208 facilities plan process, in the environmentally sensitive western Franklin County portion of the Big Darby Creek watershed. - The Nature Conservancy

Darby Creek Association is pleased that the City of Columbus has taken steps to expand possible protection of the Darby Creek Watershed in Franklin County . . . The biggest threat is not such isolated incidents (spills and ODOT construction), however, it is the ongoing process of habitat destruction and land alteration caused by housing and commercial development. - Darby Creek Association, Inc.

The Darby watershed is in danger of a loss of biodiversity because it lacks an overall watershed protection plan. For this reason, I am generally supportive of having a facilities plan that could contribute to a broader level of planning in the watershed. - John Tetzloff

**Response:** No response to these comments is necessary.

**Comment:** Five stakeholders commented that more specific or stronger criteria needed to be used within the ESDA to determine if and when it is appropriate to extend sanitary sewer service.

TNC [The Nature Conservancy] recommends the critical issue of impervious surfaces and their permanent impact on natural aquatic systems (when approaching 10%) be included in the mix of criteria and conditions when considering development potential within the watershed. - The Nature Conservancy

The most important, most complicated and most vague element of the CMFP [Columbus Metropolitan Facilities Plan] is the proposed rules for development in what is called the Environmentally Sensitive Development Area (ESDA). The ESDA is designed to protect that area of the CMFP inside the Darby watershed. The complexity of this issue and the lack of proper objectives, guidelines, rules and enforcement authority in

the CMFP prevent Darby Creek Association from lending its support to the plan. - Darby Creek Association, Inc.

The Columbus Plan also fails to adequately address sewer extension policies in critical environmental areas, such as the Big Darby Creek area. The City of Columbus has opposed development in these critical resource protection districts. Now you outline plans to allow development within them, obviously when you are ready and the area is part of the City of Columbus. - Franklin County

Though the plan mentions riparian buffers, comprehensive stormwater management, and 'conservation development' restrictions, it does not go into enough detail about what 'environmentally sensitive development' would look like, or, in lieu of details, what process the city would use to determine if a development is environmentally sensitive . . . The plan does not specifically say that Columbus embraces the goal of ensuring Darby's biodiversity against the effects of future development. - John Tetzloff

Please strengthen the language concerning protection of the ESDA . . . - Joe Martin

**Response:** Please see the response to the following comment.

**Comment:** Nine stakeholders commented that the decision to extend sanitary sewers into the ESDA should include a multi-jurisdictional planning process.

We believe the update (our comments specifically focus on the Darby Watershed component) and subsequent policies associated with public services (including treatment of wastewater and related land use issues), can only be accomplished through a truly collaborative, multi-jurisdictional process. - The Nature Conservancy

Various jurisdictions should come together and carefully consider the best way to protect this national treasure (Big Darby watershed) from the negative impacts of unplanned growth. - Ohio Environmental Council

Such a comprehensive plan must come from professionals skilled in these arts and sciences. Geologists, hydrologists and other professionals are needed in the planning process. Conservationists and environmentalists must also be included in the planning. Regional planning will mean including other cities,

towns, counties, townships and government entities in the discussions. - Central Ohio Sierra Club

It is the City who will determine when such conditions are fulfilled . . . City has a “dismal record on environmentally sensitive development” (citing Spindler Road, Pickerington Ponds, Grasshopper Creek) . . . This is truly letting the fox into the chicken house. - Prairie Township

We also must reluctantly note that the City of Columbus’ record on environmentally sensitive development does not provide us with complete confidence that the ESDA will be as strong a protective device as it could be (citing Spindler Road, Pickerington Ponds, Grasshopper Creek). - Darby Creek Association, Inc.

Please . . . add other agencies and jurisdictional bodies to the service determination process as specified in Section III, Item B-1. - Joe Martin

As a very active member of the [Brown Township] community and a resident within that very area, I believe that the decisions concerning the ESDA should be broader than the City of Columbus. - Donna M. Carrel

Page three of the Columbus metro Facilities Plan Update, Item B1, paragraph 2 states that no service shall be provided within the ESDA until the *City* (my italics) has determined that certain conditions are met. Clearly, the City is not the entity to decide the future of the townships. - Lawrence Baumgartner

The proposed Plan would prohibit further development in the ESDA until the **City** determines that certain conditions are met. Further development in this area should not be determined by the City of Columbus, but rather by local political subdivisions, the OEPA, and/or other Regulating Authorities. – Citizen Utilities Company of Ohio

**Response:** It is recognized that more specific criteria are needed to determine whether the protective conditions have been met prior to the extension of sanitary sewer service within the ESDA. The City agrees that the decision to extend sanitary sewers into the ESDA should include multi-jurisdictional and multi-stakeholder input. This section of the Facilities Plan has been rewritten to incorporate a multi-jurisdictional/multi-stakeholder process to identify recommended standards for the protective conditions required prior to the extension of sanitary sewer service into the ESDA.

However, the City of Columbus is authorized pursuant to the Ohio Constitution to operate municipal utilities. Pursuant to this authority, Columbus has spent millions of dollars developing its wastewater treatment infrastructure. As the owner and operator of this system, Columbus believes it must retain ultimate authority for all operational decisions, including sewer construction. Thus, this multi-stakeholder process will be advisory in nature, based upon the external advisory group model used by the Ohio EPA.

**Comment:** Three stakeholders noted that one area of the Darby watershed inside of Franklin County was not included in the ESDA and commented that it should be included within the ESDA.

The ESDA should be expanded to include all remaining undeveloped areas in the Big Darby watershed in Franklin County, including all land west and southwest of Grove City service contract area and the undeveloped land east of Hellbranch Run on the west side of Columbus and west of current corporate boundaries. The riparian buffer requirements should be required along all perennial tributaries of Big Darby. - Metro Parks

For unexplained reasons a portion of the watershed east of Hellbranch Run has been left out of the ESDA. Ironically, this is the most threatened area of the watershed, and there certainly is no good reason for its omission. It is well-documented that Hellbranch Run has *already* been heavily impacted by development. - John Tetzloff

How will the projected growth that the City anticipates over the duration of the Facilities Planning period impact the water quality of our area streams and tributaries? Of special concern to us here is the Hellbranch Run. Development within the city has caused problems for the County in the downstream reaches of that significant tributary to the Darby. - Franklin County

**Response:** The territory within the Darby Watershed, but not included inside the proposed Environmentally Sensitive Development area, was excluded from the ESDA because active development is occurring in this territory. However, Columbus is committed to ensuring that any development in this area consider and minimize environmental impacts, despite the fact that it is not in the ESDA. To achieve this goal, Columbus will adopt internal guidelines applicable in zoning matters in support of the following general principles.

- Development plans must be based on site sensitive planning, including preservation of all naturally occurring drainage courses, and riparian buffer.

- Development grading and drainage plans shall result in “No Net Loss of Floodplain.”
- Detention shall be required for all developments to reduce post-development runoff to predevelopment conditions.
- Determination that the site has a positive outlet for all storm flow into the nearest receiving stream or approved storm sewer system without causing problems, such as increased flooding or standing water downstream.

**Comment:** One stakeholder commented that the hydric soils identified in the CMFP planning maps were too conservative and that more hydric soils exist.

There are more hydric soils that exist in Franklin County than what was presented on the Franklin County Map for the Columbus Sewage Facilities Plan. - Franklin Soil and Water Conservation District

**Response:** The hydric soils map overlay in the CMFP has been updated in cooperation with the Franklin Soil and Water Conservation District.

### III Alternative Wastewater Systems

**Comment:** In the draft Facilities Plan update, Columbus considered the use of alternative wastewater treatment systems within the Facilities Planning Area. The draft plan determined that such systems were inappropriate. Nine stakeholders were specifically supportive of this section, expressing concern about the use of alternative wastewater systems. In addition, other regional Mayors and City Managers representing over 80% of the residents within Franklin County signed a letter to the editor of the *Columbus Dispatch* urging a ban of alternative wastewater systems. The letter is attached as a comment in Appendix B.

Land application sewage systems (LAS) threaten to accelerate suburban sprawl in the Darby watershed . . . The CMFP describes LAS as an alternative wastewater system and in the same paragraph states ‘No alternative wastewater systems shall be installed or operated in the Facilities Plan Area Boundary.’ Darby Creek Association fully endorses and supports this element of the CMFP. - Darby Creek Association, Inc.

Land application sewage systems are an excellent way for small isolated hamlets to correct failing septic systems within their boundaries. The cost of an underground gravity sewer system and treatment facility simply does not make sense for these small isolated rural towns. Land application is a perfect alternative for such areas. It does not make sense, however, for

a large metropolitan area such as Franklin County. - City of Gahanna

The Village is in support of the provision to exclude the use of alternative wastewater treatment systems, primarily due to the lack of control over community growth issues that these systems would present. A community, such as Groveport, with approximately 4,000 Residents could be severely impacted by the development of a large subdivision based on alternative wastewater treatment system. - Village of Groveport

The Central Ohio Sierra Club represents over 3200 members in the Central Ohio area. The Central Ohio Sierra Club heartily agrees with the Columbus proposal that no alternative wastewater systems be installed or operated within the Facilities Plan Area Boundary. - Central Ohio Sierra Club

We support the centralized sewer concept and appreciate the section of the report that addresses the multiple problems associated the land application alternatives. - City of Hilliard

Westerville is particularly encouraged with the proposed Plan's ban on alternative wastewater treatment systems that include land-application methods. - City of Westerville

As operator of the second largest centralized sewer system in Franklin County, Canal Winchester is concerned with alternative wastewater systems, as currently proposed by Franklin County. These concerns include: less safe systems, which require less OEPA regulations; Because of higher construction costs, these systems will promote larger, more dense developments in undeveloped areas; Future maintenance and upgrade costs will exceed the user fees, therefore requiring financial support by all residents of Franklin County. - Village of Canal Winchester

In Ohio where water excess is the norm reuse seems to be less important reason for requesting a permit and perhaps anti-degradation process avoidance may be a more significant primary reason . . . The OEC has taken a position in specific situations against domestic wastewater spray-field systems. We have been involved in discussions with OEPA representatives on this very issue recommending to them a need to strengthen rules to control these proliferating systems. Our position can be briefly outlined as follows: 1) When feasible waste discharges should be collected and treated in accordance with a regional (208) sewer district. Centralized systems offer technological

advantage for wastewater best management practices to reduce nutrient impacts and control pathogens. 2) Spray-field application on subsurface drained lands should be considered by OEPA as discharge producing (drain tile outfall) and must be regulated through the OEPA anti-degradation program including a robust public participation process. In lieu of such a program spray-fields proposed over subsurface drainage should not be permitted. 3) Only in the most extreme circumstances should 'zero discharge' systems be given consideration and only after considerable scrutiny including public comment. - Ohio Environmental Council

We regard land application plans, such as that currently being implemented in Tartan Fields to our west, as unacceptable to Shawnee Hills. Land application in this part of the United States is a relatively new concept and we feel that there is not enough experience to indicate that it can work successfully in colder climate such as that in Ohio. Since land application cannot be implemented in winter months, we have some questions and concerns about storing the material in holding ponds and then spreading it all during the warmer months. We also have some concerns about what the replacement costs will be as land application systems wear out and who will pay the replacement costs. Although we do not contemplate the use of land application systems in Shawnee Hills, we are concerned about material being spread in adjacent areas leaching into the soil and affected the Shawnee Hills water system. If such a scheme were allowed in Shawnee Hills, it could have a negative impact on our ability to service the debt which the Village will incur with the installation of its wastewater treatment system. – Village of Shawnee Hills

The use of package plant systems in central Ohio can and should be stopped. We encourage all concerned citizens to join us in urging the Ohio EPA to adopt a waste-treatment plan for our region that bans the use of land-application sewer systems. – Dublin, Canal Winchester, Gahanna, Grandview Heights, Grove City, Hilliard, New Albany, Obetz, Reynoldsburg, Westerville.

**Response:** No response to these comments is necessary.

**Comment:** Eight other stakeholders provided comments urging that the plan not exclude alternative wastewater systems altogether and/or support for the use of alternative wastewater systems in some circumstances.



The Columbus Facilities Plan essentially prohibits Alternative Wastewater Treatment Systems within the Planning Boundary. Fairfield County agrees to allow the prohibition of Alternative Wastewater Treatment Systems in the areas within the Facilities Planning Boundary, in an effort to encourage regionalized wastewater treatment systems. We understand that agreeing to ban Alternative Wastewater Treatment Systems within the Facilities Planning Area boundary will have no effect on the choices that we make for sewer services outside of the Facilities Planning Area Boundary. We believe there are instances where Alternative Systems may be the most cost-effective and environmentally sound option, such as golf course communities, where public sewers are not available and do not intend to ban them in other areas of Fairfield County at this time. – Fairfield County

The Pickaway County Commissioners agree that the planned transport of wastewater to centralized treatment systems is preferable, but prohibiting the evaluation of other alternative to determine if they are cost effective and environmentally sound be presumptuous. - Pickaway County

We suggest that the last line of the paragraph say 'No alternative wastewater systems shall be installed or operated within the Facilities Plan Area Boundary unless such system meets the criteria required to receive an NPDES permit. - City of Pickerington

Alternative wastewater treatment plans should not be banned without the agreement of the county and townships. It is the concern of this staff that a lack of consensus on this issue will impede better coordination between local governments in Franklin County on important natural resource concerns. - Franklin County Soil and Water Conservation District

The Board of Pleasant Township Trustees is committed to infrastructure improvements in the Darbydale area, an older, well established community located on the banks of the Big Darby Creek . . . At this point, we are persuaded to have our consultant identify the costs associated with these alternatives and then make a pragmatic decision on what is best for our constituents. While we would welcome a partnership and support from the City of Columbus, we hope you appreciate that we must keep all options open. Land application in fact may be dropped from consideration if it is not the best fit, all things considered. - Pleasant Township

We share the City's conviction that central sewer is preferable to alternative systems. But if central sewer is not available, alternative waste water systems, including land application systems, should not be prohibited. Like any wastewater treatment plant, these systems are safe and cost-effective, when properly built, operated and maintained. – The Building Industry Association of Central Ohio

Land application of wastewater is a well-established wastewater technology that is currently underutilized in Ohio. Since land application to reuse wastewater offers some real opportunities to both eliminate the discharge of pollutants to waterways and preserve open space in developing communities, it is being proposed for many situations in Ohio. To ensure that wastewater reuse systems are viable for decades and protect public health and the environment, I have published Bulletin 860. This manual addresses proper siting, sizing, application rates, storage, management, and monitoring for safe application in Ohio. . . . Much of Ohio's agricultural land is drained to lower a seasonal high water table a foot or more to below the active root zone of plants. As recommended in Bulletin 860, a minimum of one foot of unsaturated soil is needed to reuse and disperse treated wastewater. Therefore, wastewater can be safely reused on fields with agricultural drainage systems. In fact, both the oldest and largest reuse systems in Ohio are on fields with subsurface drainage systems. Both of these systems hold NPDES permits, monitor the quality of the tile flow, and report it to the Ohio EPA . . . Wastewater treatment systems that may not be appropriate for stream discharges, like lagoons, are the most appropriate for wastewater reuse. Not only do lagoons provide an appropriate level of treatment for reuse systems they also provide the necessary seasonal storage. Mechanical treatment plants, that have high energy and labor requirements, are a poor choice for wastewater reuse systems. In fact Bulletin 860 only recommends using mechanical treatments plants in reuse systems, with the added necessary storage, if a community already has one . . . To ensure ongoing, proper management, public policy will have to grow to include new technical advances such as operating permits for non-discharging systems. Columbus can take the lead in showing other Ohio communities and the Ohio EPA how it can and should be done. - Karen Mancl, Ph. D., Professor, Department of Food, Agricultural and Biological Engineering, The Ohio State University

**Response:** Please see the response to the following comment.

**Comment.** Eight stakeholders rejected the conclusions of this section and its recommended ban of alternative wastewater treatment systems altogether.

This justification is completely untrue and unfounded. - Prairie Township

Columbus' justification for precluding alternative wastewater systems is simply unsupported by the facts . . . Land application systems allow for greater local government control over growth patterns. - Brown Township

We cannot agree with the broad statements in the Facilities Plan Update with respect to the perceived threats presented by alternative wastewater systems . . . the Clean Water Act specifically requires evaluation of alternative treatment technologies, particularly the potential to reclaim or recycle treated wastewater. . . Alternative wastewater systems can be an important tool in wastewater treatment planning.” (Jefferson Township Water & Sewer District; Jefferson Township)

The Columbus Plan absolutely prohibits alternative systems within the Facilities Planning Area even though Section 208 mandates that alternative waste treatment facilities shall be fully reviewed in the Section 208 plan and even though the City of Columbus itself, in its 1990 Intercepting Sewers Facilities Plan, recognized the effectiveness and environmental soundness of land application systems. This absolute prohibition unlawfully usurps the authority of the Director of the Ohio EPA to consider and permit alternative waste treatment systems under Chapter 6111, Ohio Revised Code. The Columbus Plan seeks to create essentially a monopoly for sewer services in Franklin County and portions of adjoining counties by precluding any alternative sewage service in these areas. - Franklin County

Although the CMFP makes no economic or specific growth plan analyses, alternative wastewater systems are characterized as resulting in detrimental fiscal impacts to local governments and as depriving local government of control over growth patterns. However, there are many published reports of alternative systems that have demonstrated positive fiscal impacts to local governments and allow for greater local government control of growth patterns. - Bruce W. Berdanier, Ph. D., P.E., Assistant Professor of Civil Engineering, Ohio Northern University

Columbus appears to be (over) reacting to the potential of alternative wastewater systems. These systems have scientific backing on many fronts, and acceptance would cost the city little in lost revenue. - Lawrence Baumgartner

It could be argued that any wastewater system, be it alternative or centralized sewers with conventional treatment, if not properly planned, designed, constructed and operated, could cause the same adverse impacts and mentioned in the draft Plan. The City of Columbus recently withdrew its opposition to an Alternative Wastewater System in Delaware County. This system is located in the vicinity of one of the City's raw water reservoirs, which could, if the City's contention is correct, threaten that drinking water supply. However, the developer provided design and operational features which satisfied the City. This system will be owned and operated by Delaware County and will provide revenue to the local government. The development received approval of the Township and County Planning Commissions so that local government had control of their community growth patterns. Therefore, it seems that the use of "Alternative Wastewater Systems", if properly designed, operated and regulated, can, in the eyes of the City, be an acceptable alternative to a centralized sewer system. – Citizens Utilities Company of Ohio

We disagree with your assertions in Section II. Alternative Wastewater Systems on page 2 under Strategies for Wastewater Service. We believe that Household Sewage Disposal Systems represent a greater threat to drinking water than alternative wastewater systems. We further believe that community wastewater systems which discharge to the waters of the state represent as great a threat to drinking water as do community alternative wastewater systems. In your Facilities Plan, do not preclude the use of Alternative Wastewater Systems in Union County. – Union County Engineer and County Commissioners

**Response:** Representatives of the vast majority of stakeholders within the facilities planning boundary supported the ban on alternative wastewater treatment systems. A minority of stakeholders, however, commented that the draft plan was too dismissive of a proven technology. While the ultimate conclusion of this section has not changed, this section has been rewritten and this comment added to recognize and more thoroughly discuss the value and limitations of alternative wastewater systems. The following discussion attempts to clarify the underpinnings of Columbus' position.

Alternative wastewater treatment systems may be suitable for use in isolated, rural areas that are low in population density, if the area topography and soil conditions are suitable. The systems do provide an opportunity to reduce, if not eliminate, the discharge of pollutants to surface water, if the plants are properly sited, operated and maintained and the effluent is properly applied.

However, in urban areas, such as the Columbus Metropolitan area, alternative wastewater treatment systems promote the rapid conversion of remaining rural, agricultural land into developments of subdivisions at suburban densities, isolated from supportive infrastructure such as schools, libraries, police and fire services, adequate roadways, recreational facilities and parks, and commercial and retail establishments. Residents of the new subdivisions must drive for all fundamental needs, increasing traffic congestion and air pollution.

The majority of residents within the Facilities Planning Area live in jurisdictions that have invested hundreds of millions of dollars in centralized wastewater treatment facilities. These existing systems have the capacity to treat waste from throughout the Facilities Planning Area. Alternative systems within the FPA distort and impede the development of the sewer system, stranding the existing investment in sewer infrastructure and undermining the revenue base that supports the central system. Promoting the use of existing centralized systems will maximize public investment in infrastructure.

In addition, unless drained, hydric soils are not suitable for use for spray irrigation of treated effluent. Land application on saturated soils will cause the effluent to pond and bring concomitant odor problems or run off the land application site to surface waters. Most of the remaining rural and agricultural lands within the FPA consist of hydric soils and therefore are unsuitable for alternative wastewater treatment systems.

Some undeveloped areas contain hydric soils that are drained by agricultural field tiles. However, when land applying effluent on these areas, the field tile becomes a point source discharge requiring an NPDES discharge permit, which can only be granted after a full anti-degradation review pursuant to Rule 3745-1-05 of the Ohio Administrative Code. There is no practical advantage to spray irrigation of effluent if it simply becomes another surface water discharge.

Even if a land application system is sited and operated so that it is not a point source, it is still a nonpoint source of pollution. Nonpoint sources add to the pollution loadings in streams but are difficult to account for by Ohio EPA as the agency establishes the TMDL (total maximum daily loading) for streams and rivers. This may result in undue burden to entities with a point source discharge and an NPDES permit.

Even if concerns for sprawl, maximization of infrastructure, hydric soils, agricultural field tiles, and the allocation of nonpoint sources in the TMDL process could be fully addressed, the City of Columbus cannot consider support for these systems until the Ohio EPA improves the regulations that prevent the misapplication of this technology and provide adequate, on-going, independent regulatory oversight of its use. While one stakeholder urged the City of Columbus to “take the lead” to ensure proper management of these systems with the development of operating permits, only the Ohio EPA has the authority to create such a permit system.

Another stakeholder suggested that, because Columbus withdrew its opposition to a land application system in Delaware County, some systems are acceptable to Columbus. This is not the case within the FPA. Presently, the City can only appeal the terms and conditions of a permit to install after the Ohio EPA has already issued it. To be successful on appeal, it is not enough for the City to demonstrate that the permit was not the best environmental solution or not the wisest choice. The City must demonstrate that the Ohio EPA acted arbitrarily, capriciously or unlawfully in issuing it. Given this standard, the City chose to settle its appeal after ensuring that certain conditions were added to the construction permit. However, the system in Delaware still lacks an operating permit because it is not required under present law.

The City of Columbus urges the Ohio EPA to adopt regulations for the siting, construction and operation of alternative systems. These regulations should be consistent with the direction offered by OSU Bulletin 860. OSU Bulletin 860 is not, however, a substitute for a regulation.

In order for a land application system to be environmentally sound, it must be properly sited. Siting criteria should be promulgated which address at least the following issues. These systems should not be sited on hydric soils and this deficiency cannot be overcome with additional acres for irrigation. Existing drainage tiles are another potential siting problem. Ohio has approximately 12.5 million acres of existing cropland, of which about 50 percent has received drainage improvements. These systems should not be sited on soils that are drained with subsurface drainage systems such as agricultural field tiles. Many other siting conditions such as slope, soil permeabilities, floodplains, depths to groundwater and bedrock, and buffers to wells and surface waters are also key to the successful operation of these systems.

The best available treatment technologies for land application systems are different than those appropriate for a stream discharge. Regulations should be adopted that reflect this distinction. The co-author of OSU Bulletin 860 commented that newly permitted land application systems should use facultative and aerated lagoons for secondary or biological treatment and that traditional mechanized treatment facilities should only be considered when an

existing plant is retrofitted for land application. Lagoons can provide adequate storage and an appropriate level of treatment for reuse systems. However, they pose other problems for residents and operators, however, that make these systems appropriate only in rural environments: odors are caused by low level standing water; rodents, pests and insects are attracted to them; and they must be fenced and locked to keep people away from the area.

Operator training requirements should be promulgated. The skills needed for the operation and maintenance of a traditional mechanized plant with a stream discharge are significantly different than the skills and knowledge required for land application. A training and certification program should be established to accommodate this need.

A system of renewable operating permits should be established. Conditions for land application systems are not static. Application rates should vary with crop choice and soil, plant, and groundwater monitoring results. Over-application can result in nitrates in the ground water, salt accumulations in the soils, and ponding on the surface that can create odors. Conditions change over time. New permit terms and conditions may be required to protect water quality. A renewable operating permit will provide a mechanism to ensure that land application systems are properly operated initially and during the life of the system. In the event the qualities of the operations deteriorate, the Ohio EPA will have sufficient authority to redress the problem *before* there is environmental degradation or an actionable common law nuisance.

For all of these reasons, the City of Columbus proposes in this plan to ban the use of alternative wastewater treatment systems within the FPA.

**Comment.** Two stakeholders commented that the section required clarification.

We would like to see a clear definition of 'alternative wastewater systems', since the current language is open-ended. - City of Pickerington

The plan does not carefully define "Alternative Wastewater Systems". - Citizens Utilities Company of Ohio

**Response:** The suggested modification has been incorporated as Footnote 1 in the Columbus Metropolitan Facilities Plan Update.

#### **IV. Wastewater Treatment Outside Of Sewer Service Areas**

**Comment:** The City of Columbus wastewater treatment system is capable of treating all wastewater that is generated within the Facilities Planning Area boundary. In addition to the City of Columbus, seven other centralized

wastewater treatment systems also provide service within the FPA. Each of these centralized systems has identified the area for which each expects to provide service within the next twenty years. The composite of those areas is shaded yellow on the Columbus Metropolitan Facilities Plan Update base map.

The plan recognizes that the areas outside of this composite of projected service areas may experience some modest development that is rural in character; prior to the time central sewers serve the area. In order to accommodate that development, the Facilities Plan allows certain sewage systems to be installed. One stakeholder commented that the systems proposed in this section are not suitable for the soils in the area covered by the CMFP.

I am glad that onsite wastewater treatment systems were included in the plan. Extension of sewers to serve every dwelling and building in the Columbus area is not only extremely expensive, it is not compatible with the retention of open space in a livable community. Carefully matching the natural soil resources with appropriate treatment technologies is the underlying principle in my teaching and research. Unfortunately, the systems currently used and proposed for use for onsite wastewater treatment in Franklin County do not match the soil natural resource and therefore fail to protect the public health and the environment. I would encourage you to adopt research-based, appropriate technologies in your plan. I recommend these include:

1. Septic tank-soil absorption systems in deep, permeable soils
2. Mound systems (Bulletin 813) in shallow, permeable soils
3. Sand bioreactors (Bulletin 876) in very shallow soils with onsite irrigation (Bulletin 860)
4. No onsite wastewater treatment in hydric soils.

One key element to the success of all wastewater treatment systems is proper management. No maintenance-free system exist! The mechanical treatment plants with stream discharge demand the most management. Highly skilled, attentive operators, constant electrical demand, and sludge management is required on a daily basis for all mechanical systems. This is true whether the plant serves thousands of homes, dozens of homes, or only one home. - Karen Mancl, Ph.D. ., Professor, Department of Food, Agricultural and Biological Engineering, The Ohio State University



**Response:** This section does not exclude the stakeholder's recommended treatment technologies. Septic tank-soil absorption systems in deep, permeable soils, mound systems, and sand bioreactors are all potential on-site systems pursuant to this section.

**Comment:** One stakeholder commented that this section appears to be unnecessarily restrictive.

Limiting sewage treatment for a proposed commercial and institutional development to under 1500 gpd appears unnecessarily restrictive. Strategy Number 7 is also unclear as to whether residential development must also rely solely on site wastewater treatment systems. Considering our earlier comments, sanitary sewers and alternative or package treatment plants should not be excluded as an option. - Pickaway County

**Response:** This section was included to ensure that rural areas would not be impeded in pursuing development of a rural nature. The 1500 gallons per day would typically support the development of an office for approximately 110 employees, a day care center for approximately 130 children (without a cafeteria), a service station for serving approximately 100 vehicles per day, or a restaurant serving approximately 500 meals per day depending upon the specific proposal for each development. If development of a more dense nature is desired, it simply requires that such development occur on a centralized wastewater treatment system. Household sewage disposal systems are addressed in Section I of this plan, "Household Sewage Disposal Systems."

## **V. The Boundary of the Facilities Planning Area**

### **A. Franklin County**

**Comment:** One stakeholder commented that the current boundary and the proposed expansion of the planning boundary usurp the authority of an existing sewer district.

Your proposed expansion of the facilities plan boundary . . . usurps the authority of the county commissioners who retain primary responsibility for sewage treatment services to over 25,000 residents in the unincorporated areas of the county pursuant to Chapter 6117, Ohio Revised Code . . . The Plan fails to recognize Franklin County's primary role and responsibility for planning, constructing and operating waste treatment and collection facilities in county sewer districts under chapter 6117, Ohio Revised Code - Franklin County

**Response:** Franklin County appears to be questioning Columbus' authority to engage in planning both within its existing Facility Planning Area and within the proposed new Facility Planning Area. These concerns will be addressed separately.

Franklin County is mistaken in asserting that it has the primary responsibility for planning, constructing and operating waste treatment facilities in the areas covered by the existing Facility Planning Area. Columbus is a Designated Management Agency for this area; Franklin County is not a Designated Management Agency. Pursuant to the Federal Water Pollution Control Act, Designated Management Agencies are responsible for carrying out the requirements of the Areawide Plans. See 40 C.F.R. 130.9(d). Thus, once a Facilities Plan has been accepted by Ohio EPA and incorporated into an Areawide Plan, no treatment facilities may be built except in accordance with the Areawide Plan. See Ohio Rev. code 6111.03(J). Ohio Rev. Code Chapter 6117 may authorize a sewer district such as Franklin County to construct and/or operate treatment facilities; however, those treatment facilities cannot be constructed unless they are consistent with the Areawide Plan.

In this update to its Facilities Plan, Columbus is proposing to expand its planning area boundary slightly. Including this entire area is respectful of watersheds and is environmentally sound. Columbus believes that these expansions are consistent with the goals of long-term wastewater treatment planning. All of the area in the proposed planning area which is projected to have populations needing centralized sewers can be served with centralized sewers to the existing wastewater treatment plants. Thus, expanding the boundary will serve to maximize the investment Columbus and other entities in Central Ohio have made in their facilities. Canal Winchester, Pickerington and Fairfield County support the new proposed boundary. If Ohio EPA accepts Columbus' proposed boundary and incorporates it into an Areawide Plan, then this entire area will be treated as discussed above.

**Comment:** One stakeholder commented that extension of sewers into the area northeast of Rickenbacker International Airport in Franklin County would interfere with airport operations.

The Port Authority strongly opposes any Columbus Sewer (or Water) line extensions to connect areas northeast of Rickenbacker International Airport in Franklin County. These areas contain the primary flight approaches and departures to LCK. They are currently used primarily as agriculture and are compatible with the airport operations. . . . Once sewer lines are extended into these areas, they can easily be utilized for residential use, which is not compatible with existing airport operations and future airport expansion. Residential development in these areas will stop or severely limit the ability

of this international airport to function. Once utilities are extended, it is impossible to prevent incompatible development even given the best intentions of governments utilizing land use and zoning restrictions. The inability to stop residential encroachment on airports is a hard lesson that has been learned in every major airport in North America. The only way we know to stop residential development in these areas is not to provide access to sewer and water facilities. – Rickenbacker Port Authority.

**Response:** Land use choices are regulated by zoning requirements. This plan does not speak to land use choice. It merely provides centralized sewer service to support land use options that are selected in accordance with local zoning. The availability of sewers does not dictate residential development. In fact, centralized sewer systems may also be used to support commercial and industrial development both of which would complement the location of Rickenbacker Airport.

B. Madison County

**Comment:** In its draft plan, Columbus proposed extending the Facilities Planning Area boundary to include the western half of the Darby watershed, which is in Madison County. Three stakeholders commented upon this section.

If the Big Darby watershed in Madison County is to be added to the Sewage Facilities Plan, then environmental protections similar to those specified for the Environmentally Sensitive Development Area should be incorporated. Specifically there should be riparian buffer restrictions along all perennial streams, comprehensive stormwater management plans should be enacted, and conservation development restrictions should be in place if development does not proceed in accordance with the current farmland preservation plan. - Metro Parks

It is the wishes of the Village of Plain City that the City of Columbus withdraw the proposed boundary back to within Franklin County. - Village of Plain City

We have reviewed your proposed draft of your Facilities Plan Update which adds the entire Big Darby drainage area in Madison County into your facility service area. In the draft you address some issues that concern us and impact us greatly. We are currently reviewing these issues internally and are withholding further comment at this time. - Madison County

**Response:** The City of Columbus proposed this section because it believed that it made sense for Columbus and Madison County to work together, to each meet our goals on our own side of the Big Darby: in Madison County, to preserve the farmland; and in Franklin County, to protect the natural resources that we all value. If this were acceptable to the elected representatives of Madison County, the CMFP could include the territory within Madison County that drains into the Big Darby. This territory could be added for the express purpose of preventing sanitary sewers from being constructed in it – not only by the City of Columbus, but also by any developer who proposes a project in the area that Madison County has reserved for Farmland Preservation.

Because Madison County has not endorsed the concept and because Plain City has requested that the City of Columbus withdraw the proposed boundary back to within Franklin County the proposed boundary of the Facilities Planning Area has been redrawn to exclude Madison County.

C. Pickaway County

**Comment.** Three stakeholders commented that the CMFP should not include any portion of Pickaway County.

We are requesting that the boundary be moved north to follow the county line across Scioto Township. - Scioto Township, Pickaway County

Pickaway County objects to Columbus moving its facility planning boundary into northern Pickaway County . . . The Columbus Plan fails to recognize the wastewater plans of Pickaway County [referencing ‘a publicly supported affordable plan to provide wastewater service for northwestern Pickaway County’]. - Pickaway County

The Columbus Metropolitan Facilities Plan Update shows expansion of service into Pickaway County at LCK. The Port Authority does not envision any growth in this area that would require City of Columbus utilities. – Rickenbacker Port Authority

**Response:** The original Facilities Planning Area (FPA) boundary extended into Northwest and North-central Pickaway County. The proposed FPA also extended into Pickaway County, but in a slightly different configuration. The proposed FPA eliminated the Northwest area, in recognition of Pickaway County’s plans for a new centralized sewer system in the Orient area, and modified the area in North-central to reflect more accurately the sewer shed for the Columbus system. Additionally, the proposed FPA recognized the boundary of the existing contract for City of Columbus services for Rickenbacker Port Authority.

In response to these comments, the final Columbus Metropolitan Facilities Plan Update recommends that the northern boundary of Pickaway County serve as the FPA boundary, excepting the area within the existing City of Columbus contract for services to the Rickenbacker Port Authority, which is retained to honor the existing contract.

D. Jefferson Township Water and Sewer District Area

**Comment:** Two stakeholders commented that it is not clear why the Facilities Plan includes territory served by the Jefferson Township Water & Sewer District.

The City has not provided justification for including the service area legally served by the Jefferson Township Water & Sewer District within the FPA boundaries. - Jefferson Township Water & Sewer District; Jefferson Township

**Response:** The Jefferson Township service area is already within the existing Facilities Planning Area. Therefore, Columbus is a Designated Management Agency for this area, and is required to include this area in its updated plan.

E. Village of Shawnee Hills

**Comment:** One stakeholder commented that it preferred that the Facilities Planning boundary not be constricted as proposed in the plan update.

Lastly, we would prefer that the boundary of the management area, as it affects Shawnee Hills, be left where it was in the 1984 update. The proposed boundary conforms with the boundaries of our contract areas, but may not allow for expansion and annexation beyond that currently being planned for the Village. Since we are not certain when the next update will be, we would prefer that the original boundary (the red line) be left in place. – Village of Shawnee Hills

**Response:** The Village of Shawnee Hills has a contract with Columbus for the treatment of its sewage. The proposed FPA boundary reflects Shawnee Hill's entire contract area, including an area for growth. If Shawnee Hills and Columbus renegotiate this boundary in the future, this Facility Plan can be further updated.

## VI. Legal Requirements of the Facilities Plan

Columbus received numerous comments regarding the legal authority of the facilities plan, as well as required elements of a complete facilities plan.

### A. Facilities Plan v. Areawide Plans

**Comment:** Three stakeholders expressed confusion as to the interrelationship between the Columbus Metropolitan Facilities Plan developed pursuant to Section 201 of the Federal Clean Water Act, Section 208 Areawide Waste Treatment Management Plan and state law governing the same geographic area.

The format and ultimate use of the Facilities Plan Update in the Section 208 planning process is confusing and perhaps inappropriate. The Facilities Plan Update focuses solely on establishment of a broad service area without evaluation of the many factors required by the Clean Water Act . . . We do not believe that the Section 208 planning process authorizes the planning entity to restrict or limit the authority or jurisdiction of any sewer district created and operated under state law. - Jefferson Township Water & Sewer District; Jefferson Township

You have requested that your Facilities Plan update be incorporated into the Ohio EPA's 208 Area-Wide Waste Treatment Management Plan. Your plan, however, fails to adequately address virtually every mandatory element for plan updates as required by the Clean Water Act and implementing federal regulation . . . The Plan fails to comply with mandatory elements of a continuing planning process as required by Section 208 and the regulations. - Franklin County

**Response:** In this document, Columbus is seeking to update its Facilities Plan. Facilities Plans were originally required by section 201 of the Federal Water Pollution Control Act, which prohibits U.S. EPA from making any grants for building wastewater treatment facilities unless certain planning was accomplished. Over the last 20 years Columbus has submitted numerous Facilities Plans and updates to Ohio EPA and U.S.EPA as it built and upgraded its treatment facilities. These Facilities Plans established a Facilities Planning Area boundary.

Section 208 of the Federal Water Pollution Control Act requires the State to engage in areawide planning for wastewater needs. In some areas of the State, there are designated Areawide Planning Agencies which are responsible for this planning. In Central Ohio, there is no designated Areawide Planning Agency, so Ohio EPA is responsible for this planning. According to

section 208(b)(2) of the Federal Act, an Areawide Plan must address many items, including stormwater, open space, recreation opportunities, etc. Section 208 also requires Ohio EPA to have and update a Continuing Planning Process.

One of the main items that must be included in an Areawide Plan is the identification of the treatment needs for the area for a 20-year period, and an assessment of how those treatment needs will be met. The Plan must also identify a Designated Management Agency to carry out the treatment requirements of the Areawide Plan.

Since 1974, Columbus has been a Designated Management Agency and has been responsible for meeting the treatment needs within its Facilities Planning Area. Because Columbus is the entity that will be responsible for meeting the treatment needs within the Facilities Planning Area, Ohio EPA has asked Columbus to update its Facilities Plan. Ohio EPA has requested that Columbus provide an update to its Facilities Plan that includes a 20-year population projection and the wastewater options for the areas within the Facilities Planning Area. This document is that update.

It is Columbus' understanding that Ohio EPA intends to use this update as part of its update to the Areawide Plan, which Ohio EPA is responsible for preparing. While Columbus' Facilities Plan is a critical part of the Areawide Plan, it is not the entire Areawide Plan. Therefore, the stakeholders who noted that this update does not address every item listed in Section 208 are correct. The reason this update does not address all such items is that this is not the Areawide Plan. Rather, it is designed to be a part of that plan, which, again, Ohio EPA is responsible for creating. Likewise, Ohio EPA is responsible for creating and updating the Continuing Planning Process.

#### B. Usurping Ohio EPA's Authority

**Comment:** Two stakeholders expressed concern that this plan is usurping the authority of the Ohio EPA and/or the PUCO:

This absolute prohibition [on alternative wastewater systems] unlawfully usurps the authority of the Director of the Ohio EPA to consider and permit alternative wastewater systems under Chapter 6111, Ohio Revised Code. – Franklin County

This [draft plan] precludes our Company, Franklin County and Township governments from being offered any choice as to when, where or how they might develop and/or expand. The Public Utilities Commission of Ohio (PUCO) and the Ohio Environmental Protection Agency (OEPA) regulate our Company. The PUCO has rules and requirements that our

Company must meet consumers needs. The OEPA has requirements that we must meet before we are allowed to discharge treated wastewater into the waters of the state. The City's draft Plan appears to usurp the authority of these two agencies without going through the process of legislation or rule making. Under the proposed City Plan, our Company would be precluded from expanding to meet the needs of citizens who choose not to live in the City of Columbus but who still need wastewater service. While we are not in a position to specify exactly what geographic area we might want to expand into in the future, we would not want to be precluded from providing wastewater utility service wherever it might be economically and technically feasible throughout the FPA – Citizens Utilities Company of Ohio

**Response:** Both stakeholders express concern that this Updated Facility Plan will limit Ohio EPA's future options, and that this is unlawful. In fact, it is state and federal law, not this plan, which limits Ohio EPA's authority. As discussed above, Ohio EPA is required to update the 208 Areawide Plan for central Ohio. The Updated Plan must include a plan for how the wastewater treatment needs of central Ohio are going to be met for the next 20 years. Once the Areawide Plan is updated, Ohio EPA may not issue a discharge permit or a construction permit that is inconsistent with the plan. Ohio Rev. Code 6111.03(J); 33 U.S.C. 1288(e). These statutes simply oblige Ohio EPA to implement the wastewater treatment options that are included within the 208 Areawide Plan that it creates.

As discussed above, as a DMA for most of Central Ohio, Columbus has a key role in this process. Ohio EPA simply cannot plan for the wastewater needs of Central Ohio on its own; Columbus is and will continue to be the provider of the vast majority of wastewater treatment in the area. Thus, Columbus' role is to provide to Ohio EPA, through this Updated Facility Plan, its plans for how the wastewater treatment needs within the Facility Planning Area are going to be met for the next 20 years. If Ohio EPA accepts and approves Columbus' plan and incorporates it into the Section 208 Areawide Plan, then that plan in conjunction with state and federal law will define Ohio EPA's authority with regard to future permitting.

#### C. Failure to Evaluate Alternative Systems

One stakeholder commented that the CMFP does not analyze baseline environmental conditions to evaluate alternative systems using a variety of considerations to conclude which is the "best" solution.

There has been no definition of the baseline natural environmental conditions that exist or are desired to be



maintained or developed over the next twenty years for surface water, ground water, agriculture, forests, parks, air quality, etc. . . . There has been no attempt to define, evaluate, or delineate types of alternative collection or waste treatment systems . . . The CMFP does not use analysis to arrive at the 'best' solution based on scientific/technical, economic, and social/political considerations. - Bruce W. Berdanier, Ph.D., P.E., Assistant Professor of Civil Engineering, Ohio Northern University

**Response:** As discussed above, the updated Facility Plan is not an Areawide Plan nor is it an attempt to establish a Total Maximum Daily Loading for any watercourse. Nonetheless, alternative wastewater systems were fully considered in updating this plan. However, for the reasons discussed above, Columbus does not believe that such systems are appropriate within the Facilities Planning Area. This conclusion is consistent with past Facilities Plan updates which have also considered alternative systems but determined that centralized sewers to the existing wastewater treatment plants is the best alternative.

D. Stormwater Planning

**Comment:** Four stakeholders commented that the plan does not adequately address stormwater issues.

In order for the City of Columbus to adequately mitigate stormwater from development in areas of predominately hydric soils, Columbus needs to comprehensively address these areas in conjunction with all jurisdictions in its proposed designated management area. - Prairie Township

In order to be considered complete, the plan must address how the City plans to address storm water and other nonpoint sources. This is required by Section 304 of the Clean Water Act. - Franklin County

Riparian buffers should be required on all perennial streams anywhere within the boundaries of the Sewage Facilities Plan. The Sewage Facilities Plan should also stipulate a no net loss of flood plain for the entire area. - Metro Parks

Sewage extension by itself will not result in better water quality without stormwater management and watercourse protection strategies. Hydromodification is listed as the leading cause of aquatic life use impairment in Ohio above any sources related to septic systems. Alternation or piping of headwater streams, urbanization and riparian vegetation removal are examples of

hydromodification. - Franklin Soil and Water Conservation District

**Response:** As discussed above, the updated Facility Plan is not an Areawide Plan, and does not include all of the elements listed in Section 208. The City of Columbus has no legal mandate to plan for stormwater management outside of its corporate boundaries. Within the corporate limits of the City of Columbus, the City operates in compliance with its Municipal Stormwater Permit, which was issued by the Ohio EPA on May 25, 2000. Each separate jurisdiction within the Facilities Boundary Area is responsible for its own stormwater management. The Ohio EPA is responsible for multi-jurisdictional stormwater planning within the context of the 208 Areawide Plan. Columbus is participating in regional stormwater planning in the Darby watershed through the Darby Watershed Task Force.

## **VII. Columbus' Annexation Policy**

Eleven stakeholder comment letters and one petition commented that the CMFP would force unincorporated areas to annex to municipal corporations.

The underlying and unstated purpose of Columbus' proposed Plan is to ensure the eventual elimination of Townships within Franklin County through annexation to either the City of Columbus or to one of the suburban municipalities wherein Columbus is the sole provider of wastewater treatment service. - Brown Township

We suggest that the City engage in a regional approach (to sanitary sewer service) that does not simply view an area-wide waste treatment management plan as an opportunity to continue Columbus' 40 year old annexation policies. - Prairie Township

The City of Columbus will run new facilities to new developments, but won't allow residents to hook into them when running past their property if they will not annex. . . If Columbus were concerned about the environment, why pass an old system that is willing to pay the fee? . . . Plain Township along with other townships in Franklin County has adopted comprehensive land use plans. Columbus' annexation policy which depends upon its control of water and sewer continue to annex township areas and permit land uses that are at odds with township land use plans . . . The meetings we attended with other townships where these issues were discussed were all very positive about the CMFP, with the exception that all townships around Franklin County would be giving up our sovereignty, which we are not willing to do. - Plain Township

It does not appear that the draft Facilities Plan Update includes any evaluation of the potentially significant economic effects of mandating connection to the municipal wastewater system. An update on the Section 208 plan should not be a substitute for regional cooperation on economic development and appropriate local land use control. - Jefferson Township Water & Sewer District; Jefferson Township

The Columbus Plan continues the city's policy of conditioning sewer service upon forced annexation. . . Over \$134 million in federal grants and \$215 million in federal loans were used to assist the city in constructing many of the facilities proposed in the city's original 'Columbus Metropolitan Facilities Plan' . . . All residents pay into the federal tax system, which helps provide the federal grants and loans, used to construct what was reportedly to be a metropolitan wastewater treatment system. In return, as Commissioners for the entire county, we believe that the entire citizenry of Franklin County should receive equitable service without distinctions being placed upon them. - Franklin County

Columbus must develop comprehensive annexation guidelines (recommends using guidelines drafted by David Greene of MORPC). - Central Ohio Sierra Club

I personally feel this update is nothing more than a move against Senate Bill 289 and allowing the City to annex at will. I am asking the Ohio EPA to recommend against the expansion. - Pleasant Township

Already we have seen negative response to Columbus's proposal from the county and townships. There is obviously a good deal of distrust in rural areas of the county stemming from the perception, sometimes justified, that Columbus will unilaterally pursue its own interests . . . Clarification (and negotiation) of Columbus's annexation policy would be an obvious place to start mending fences. - John Tetzloff

The Facility plan does not specifically state it, but it appears that the plan continues the City's policy of conditioning sewer service upon forced annexation as a precondition for sewer service. - Pickaway County

The Columbus Plan forces annexation as a condition for sewer service. – Licking County

We, the undersigned, being residents of the unincorporated area of Plain Township, support the position of the Franklin County Board of Commissioners and the Plain Township Board of Trustees in opposing the Columbus Metropolitan Facilities Plan Update. This Plan is not responsive to the needs and goals of Plain Township. Moreover, the obvious purpose of the Plan is to continue the annexation policy of Columbus by conditioning the provision of sewer services only upon annexation to the city. – Signed by over 200 individuals

**Response:** The City's annexation policy supports regional economic health and checks urban sprawl. The Columbus Metropolitan Facilities Plan Update does not address the City's annexation policy, however, because annexation is a state law issue not subject to the Clean Water Act and the facilities planning process.

The City's long-standing custom of linking utility services to annexation has been a significant element of the City's financial stability. In assigning its AAA bond rating last December, Moody's stated:

Moody's believes that the city's practice of annexing large tracts of undeveloped land and providing the new acreage with water and sewer infrastructure have been key to past expansion and fundamental to recent major commercial/industrial developments.

Standard & Poor's financial rating service has identified the City's "comprehensive and well-managed annexation program" as support for its AAA bond rating. The financial stability of the City of Columbus is key to the economic health and viability of the entire region. The nexus between utility services and annexation will not be abandoned.

Over the years, this policy has matured into a more refined statement that reflects well-defined exceptions. For instance, Franklin County has had the authority for decades through existing County contracts to build sewers in unincorporated areas of the County and to send the collected wastewater to the City of Columbus for treatment and discharge. When Franklin County found, in 1988, that it could no longer operate its numerous, scattered package plants serving unincorporated areas throughout the County, the City of Columbus expanded the County contract areas and agreed to treat the wastewater from those areas without requiring annexation. Additionally, there exist numerous instances in which older developments in the unincorporated areas of the County were built using on-site sewage systems such as septic tanks, aerators and leach fields. Many of these systems have failed or are failing. Failing systems contribute pollution to the surrounding drinking water

wells, watercourses and storm sewers. The City of Columbus will treat wastewater collected and conveyed from these areas by the Franklin County Sewer District without requiring annexation so that this sewer district can provide centralized sewers to replace failing systems. The elimination of failing on-site systems is in the best interest of the citizens of Columbus and of Central Ohio.

Another exception includes the consolidation of centralized sewer systems when it is in the collective best interest of the City and the sewer system seeking consolidation with the Columbus Metropolitan system. These new relationships will be based upon mutually agreed terms and conditions. Consolidation of centralized sewer systems will promote maximization of existing infrastructure and reduce duplication of services. This will result in more efficient and cost-effective services for ratepayers. It remains the express position of the City, however, that new developments requiring centralized services should occur within the corporate limits of a municipality, Columbus or another Central Ohio city or village.

Moreover, there can be no doubt that the City of Columbus is authorized to require annexation before utility services may be provided. Courts have affirmed that a city's decision to tie utility services to annexation is a valid exercise of municipal authority. *Andres v. City of Perrysburg*, 47 Ohio App. 3d 51 (1988); *State ex rel. Indian Hill Acres v. Kellogg*, 149 Ohio St. 461 (1948).

Ohio EPA has no authority to require the City of Columbus to extend its services without annexation. The Ohio Constitution authorizes a municipality to own and operate a public utility, including the provision of wastewater treatment services. See Section 4, Article XVIII, Ohio Constitution. The Ohio Supreme Court has repeatedly said that the state may not impose restrictions or regulations upon a municipality with regard to how the municipality operates its utility. *Fairway Manor v. Board of Commissioners of Summit County*, 36 Ohio St.3d 85 (1988); *Board of County Commissioners of Delaware County v. City of Columbus*, 26 Ohio St. 3d 179 (1986); *City of Canton v. Whitman*, 44 Ohio St. 2d 62 (1975); *Swank v. Village of Shiloh*, 166 Ohio St. 415 (1957). It is true that the state may enact legislation under its general police power to protect the public health and safety, and that the state's police power extends to regulating public wastewater treatment plants. See generally *City of Canton; Delaware County, supra*. The state may not, however, order a municipality to extend its utility services outside the municipality, as a municipality has no obligation to provide services outside its municipal limits. *Fairway Manor, supra*; *State ex rel. McCann v. City of Defiance*, 167 Ohio St. 313 (1958) (General Assembly has no authority to require a municipality to sell or deliver its surplus utility products to non-inhabitants.)

Finally, the issue of annexation is legally irrelevant to the review and approval of the City's proposed Facility Plan Update. Ohio EPA has suggested that in

reviewing the Facility Plan updates it will consider whether the plan is protective of water quality and feasible. Columbus believes that its plan, with its strong emphasis on centralized sewers, meets these criteria. How centralized sewers are ultimately extended to the entire service area is simply irrelevant to the review of this document.

## **VIII. The Role of Townships in Land Planning**

**Comment.** Six stakeholders commented that the CMFP fails to take into account land use preferences of the townships.

The City's Plan fails to take into account the Comprehensive Land Use Plan adopted by Brown Township in 1992 and updated in 1998. - Brown Township

The CMFP fails to take into account the various land use plans adopted by the townships located in western Franklin County (including Prairie Township) have land use plans which recommend that most of the area remain zoned as either agriculture, open space or low density residential. - Prairie Township

The City's plan does not address development densities – one of the major points of conflict between the City and adjacent Townships. The Columbus Plan fails to address 'urban sprawl' and instead purports to unilaterally dictate sewage treatment services and land use planning and development in the unincorporated areas of Franklin County and even into areas of adjoining counties. - Franklin County

Curbing urban sprawl – We question the use of utility provision as a tool to dictate where development should occur, particularly with respect to political subdivisions other than the City of Columbus. Townships and suburban communities should and do have the right to determine how, where, and when they grow. – Citizens Utilities Company of Ohio

The Columbus Plan does not recognize Licking County's responsibility for wastewater treatment services and land use planning and development. – Licking County

The plan does not provide for analysis or evaluation of alternative growth scenarios or land use plans to arrive at the 'best' scenario for area stakeholders. - Bruce W. Berdanier, Ph.D., P.E., Assistant Professor of Civil Engineering, Ohio Northern University

**Response:** Columbus' proposed Facility Plan Update does not dictate any particular land use, nor does it change the existing roles of local governments with regard to land use planning. Rather, the Plan simply requires that an area may not be developed at a higher level of density unless the area is served by centralized sewers to one of the recognized providers in the plan.

## **IX. The Process of Updating Columbus' Facilities Plan**

**Comment:** Three stakeholders commented that it was difficult to evaluate the CMFP update without comparing it to the existing facilities plan.

Any knowledgeable or competent review or comment of the CMFP is virtually impossible (without the ability to review the current facilities plan). - Prairie Township

It is difficult to fully evaluate the potential impact of the Facilities Plan Update without additional information on the standards of the existing plan. - Jefferson Township Water & Sewer District; Jefferson Township

**Response:** Columbus will make prior facilities plans available to any stakeholder interested in reviewing them. However, the update is designed to be an independent document, which can be reviewed without reference to prior facilities plans. The following is a list of Columbus Metropolitan Facilities Planning documents.

*Columbus Metropolitan Area Facilities Plan: Brookside Estates Area Mini Facilities Plan – 1 Volume (Malcolm Pirnie, Inc./ November 1974)*

*Columbus Metropolitan Area Facilities Plan: Scioto East Area Mini Facilities Plan – 1 Volume (Malcolm Pirnie, Inc./ November 1974)*

*Columbus Metropolitan Area Facilities Plan: Plan of Study Report – 1 Volume (Malcolm Pirnie, Inc./ December 1974)*

*Columbus Metropolitan Area Facilities Plan: Background Information – 1 Volume (Malcolm Pirnie, Inc./ May 1975)*

*Columbus Metropolitan Area Facilities Plan: Inflow/Infiltration Analysis - 2 Volumes (Malcolm Pirnie, Inc./ July 1975)*

*Columbus Metropolitan Area Facilities Plan: Cost Effectiveness Analysis – 2 Volumes (Malcolm Pirnie, Inc./ July 1976)*

*Columbus Metropolitan Area Facilities Plan: Facilities Report – 1 Volume* (Malcolm Pirnie, Inc./November 1976)

*Columbus Metropolitan Area Facilities Plan: Environmental Assessment – 1 Volume* (Malcolm Pirnie, Inc./1976)

*Final Environmental Impact Statement – 3 Volumes* (USEPA Region 5/June 1979)

*USEPA Advanced Waste Treatment Task Force Review – 1 Volume* (USEPA/1979)

*Combined Sewer Overflow Monitoring Report* (Malcolm Pirnie, Inc./1979)

*Task No. 1, Program Management Office Services: Detailed Descriptions, Definitions and Scheduling of Project Segments for Wastewater Projects – 1 Volume* (Malcolm Pirnie, Inc./December 1979, Amended, March 1980)

*Columbus Metropolitan Area Facilities Plan: Phase II Sewer System Evaluation Survey, Volume 1, Introduction, Background and Summary – 1 Volume* (Malcolm Pirnie, Inc./ June 1980)

*Columbus Metropolitan Area Facilities Plan Update: Segment 1 – Interim Solids Handling Facilities –1 Volume* (Malcolm Pirnie, Inc./September 1980)

*Columbus Metropolitan Area Facilities Plan Update: Segment 2 – Long Term Solids Handling –1 Volume* (Malcolm Pirnie, Inc./December 1981)

*Columbus Metropolitan Area Facilities Plan Update: Segment 2 – Long Term Solids Handling Facilities, Appendix G, Analysis of Composting Alternatives –1 Volume* (Burgess and Niple, Ltd./ January 22, 1982)

*Columbus Metropolitan Area Facilities Plan Update: Segment 5 – Blacklick Interceptor, Part 1 – Interceptor Alternatives –1 Volume* (Malcolm Pirnie, Inc./ December 1981)

*Columbus Metropolitan Area Facilities Plan Update: Segment 4 – Combined Sewer Overflow Progress Report (Part 1 of 2) –1 Volume* (Malcolm Pirnie, Inc./ July 1983)

*Columbus Metropolitan Area Facilities Plan Update: Segment 4 – Combined Sewer Overflow Progress Report (Part 2 of 2) –1 Volume*

*DFOT Review of the City of Columbus Facilities Plan and EIS Reports* (Aware, Inc./ May 1984)



*Columbus Metropolitan Area Facilities Plan Update: Report Segment 3 – 1 Volume (Malcolm Pirnie, Inc./ December 1984)*

*Corridor Study for Upper Scioto West Branch Interceptor Sewer – 1 Volume (Bird and Bull, Ltd./ August 1985)*

*Rocky Fork Interceptor Engineering Report and Master Plan (1984)*

*Revised Facilities Plan Update, Project 88 – 3 Volumes (URS Dalton/ September 30, 1985)*

*Consolidated Environmental Information Document – 1 Volume (URS Dalton/ March 17, 1986)*

*Upper Scioto West Branch Interceptor Sewer Socioeconomic Impact Assessment Study – 1 Volume (Parsons Brinckerhoff Ohio, Inc./ December, 1986)*

*Upper Scioto West Interceptor Sewer Project – Basis of Design – 1 Volume (John David Jones and Associates, Inc./ June 17, 1987)*

*Final Supplemental Environmental Impact Statement - 1 Volume (USEPA/ August, 1988)*

*Record of Decision, Final Supplemental Environmental Impact Statement – 8 Pages (USEPA/ September 27, 1988)*

*Rocky Fork Interceptor – Outlet Study (1988)*

*Combined Sewer Overflow Study - 2 Volumes (URS Dalton/ Final Sept 15, 1989)*

*Intercepting Sewers Facilities Plan – 1 Volume (Malcolm Pirnie, Inc./ May, 1990)*

**Comment:** Four stakeholders commented that the process should have involved stakeholders at an earlier stage.

Local elected officials should have been allowed to participate in this update prior to its publication . . . CMFP was presented to us as a fait accompli. - Prairie Township

It would have been much better to get stakeholder involvement early in the planning process rather than wait until a draft of the Plan was completed and then ask for comments. The Central Ohio area continues to grow rapidly and because of that growth,

there is a need for Regional Wastewater Planning. However, a body representing all interested parties should carry out this planning, not solely City of Columbus officials. As a tax paying, investor owned water/wastewater utility that provides services to over 25,000 citizens across Central Ohio, Citizens Utilities should be an active participant in any such planning body. – Citizens Utilities Company of Ohio

We appreciate your explanations of the plan and the process at the Village of Plain City offices on September 8<sup>th</sup> and at the meeting with Steve Stolte and Mary Sampsel on September 20<sup>th</sup>. We were disappointed, however, that we were not contacted earlier since part of your Facilities Planning Area is within Union County. – Union County Engineer and County Commissioners

**Response:** The draft Facilities Plan Update shared with stakeholders beginning in June 2000 was a draft document and represented the recommendation of the City of Columbus. Throughout the summer, representatives from the City of Columbus shared the draft throughout Central Ohio. This draft plan represented recommendations by Columbus for the safe, long-term delivery of sewer services for our region. It served only as the beginning point for a discussion with stakeholders. Our stakeholder consultation efforts were designed to give every regional partner the maximum amount of information and the opportunity to give input on the plan before it was presented to the Ohio EPA as a final document.

For a description of the consultation process, please refer to the Introduction, *supra*; for a comprehensive listing of the stakeholders consulted, please refer to Appendix A. As a result of this process, Columbus has significantly revised its original draft plan. Appendix C contains the original version of the plan with all changes noted.

## **X. Miscellaneous Comments**

### **A. Pickerington Ponds**

**Comment:** Two stakeholders commented that the area around Pickerington Ponds Nature Preserve and Wildlife Refuge is environmentally sensitive and should be protected.

The installation of sewage and stormwater facilities within one mile of Pickerington Ponds Nature Preserve (a portion of the recently expanded Pickerington Ponds Wildlife Refuge) should be required to be installed in a manner that will prevent lowering of the regional groundwater levels. All pipes should be installed in a manner that prevents groundwater infiltration into the pipes

and also prevents the flow of groundwater along the outside of the pipes. Clay bulkheads should be installed around all sewer and stormwater pipes at a minimum distance of every 400 feet. Clay bulkheads should also be required around all manholes. - Metro Parks

There are other environmentally sensitive development areas outside of Darby Creek in Franklin County that need protection. For example, the South East Comprehensive Plan has wetlands, hydric soils, natural areas, filling of flood plains, etc. that will result in loss of property or natural resources. A Resource Inventory Study is needed for the entire county if environmentally sensitive areas are to be given the needed consideration. Not only does this reduce loss of property by not building in areas that will flood or increase flooding downstream but it also provides for open space, stormwater storage and other resource needs of a growing urban area. - Franklin Soil and Water Conservation District

**Response:** Columbus agrees that the Pickerington Ponds area deserves special protection. To accomplish this, Columbus has recently finished developing the Southeast Area Plan. This plan specifically addresses Pickerington Ponds area, and includes protective conditions for development in that area. In addition, Columbus Division of Sewerage and Drainage (DOSD) has met with Columbus Metro Parks regarding its concerns about sewer construction in the area around Pickerington Ponds. As a result, DOSD is currently and will continue to install bulkheads (trench dams) in the manner requested in this comment. DOSD also provides Metro Parks the opportunity to review all plans for sewers in this Area.

#### B. Sludge Management

**Comment:** Two stakeholders offered comments about sludge management practices.

Sludge and residual treatment and management is an important concern for the environment. Indeed, sludge management and residual treatment and disposition is a necessary element of Section 208 planning. For the City of Columbus . . . to totally ignore sludge and residual treatment and management as it does in the Facilities Plan Update is absurd environmental planning . . . The Plan fails to consider any requirements for land acquisition for treatment purposes, including sludge disposal. - Franklin County

Sludge applications on agricultural land in Franklin County need to consider the phosphorus level in soil. Currently only nitrogen is measured. - Franklin Soil and Water Conservation District

**Response:** This is an update to Columbus Facilities Plan required in Section 201 of the Clean Water Act. Sludge management practices are not properly part of a 201 Facilities Plan Update and as such have not been included. Nonetheless, in response to these comments, the City of Columbus offers the following information regarding its sludge management practices.

Columbus has recently completed a three and one-half year process resulting in the “Solids Treatment and Disposal Master Plan.” This plan reflects a practical construction sequence as well as recommended improvements necessary to provide adequate sludge handling through the year 2020 for the entire sewer service area. This plan gives Columbus the projected reliable solids handling capacity to meet expected solids production through the year 2020.

Columbus has monitored phosphorus concentrations in biosolids through weekly composite sampling for many years. This information is forwarded, in a Site History Report, to Ohio EPA and the farm manager for nutrient management planning. Columbus complies with all current Ohio EPA requirements for nutrient management on farmland. Currently draft rules are under review containing a general prohibition against application of biosolids on lands where soil phosphate levels are greater than 150 PPM. Most of the City’s sites have phosphate levels at about half of the proposed regulatory level.

#### C. Sewer Construction

**Comment:** One stakeholder commented upon sanitary sewer construction practices.

Major sewer trunks are often located along streambeds, where gravity aids sewage flow. Special care must be taken when disturbing environmentally sensitive areas. - Central Ohio Sierra Club

**Response:** Columbus agrees that special care should be taken when sewers are constructed in streambeds. Ohio EPA’s antidegradation regulations specifically address sewer line construction along streambeds and their riparian corridors. All trunk sewer construction under the Permit to Install review process is subject to the antidegradation regulations and therefore will be in compliance with the Ohio EPA requirements.

D. Existing Sewer Contracts

**Comment:** One stakeholder commented that the CMFP does not protect existing sanitary sewer service contracts.

The Columbus Plan does not insure that existing municipal and county contracts will be fully honored or that existing land use planning accords will be honored. - Franklin County

**Response:** The Plan is consistent with all existing contracts. Nothing in the facilities planning process annuls existing contracts.

E. Columbus' Historic Practices

**Comment:** One stakeholder observed that the stated policies and goals seem inconsistent with the City's historic actions.

It is difficult, if not impossible, to reconcile these stated policies and goals with the City's historic growth patterns which are facilitated by its central wastewater treatment system. - Brown Township

**Response:** The Columbus Metropolitan Facilities Plan represents a plan for the future. Upon certification by the U.S. EPA as an amendment to the State Water Quality Management Plan, the City of Columbus will implement this Plan.